



Issues4Life Foundation – Press Release

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FOR IMMEDIATE RELEASE

Issues4Life Foundation – Walter Hoyer Vs. The City of Oakland

Union City, CA (**ISSUES4LIFE FOUNDATION**) Sunday, May 31st, 2009 – The **Issues4Life Foundation** below releases the latest update regarding a motion for summary judgment filed in the federal case challenging Oakland's "Mother May I" ordinance. LLDF is Walter Hoyer, who has recently served nineteen (19) days in jail and fined \$1,130.00 for violating the ordinance.

Our lawsuit challenged the Ordinance both "on its face" and "as applied." The hearing began with Judge Charles Breyer (i.e., the brother of Supreme Court Associate Justice Stephen Breyer who was appointed by Democratic President Bill Clinton in 1994), indicating his opinion that the Ordinance was constitutional "on its face," meaning that there were no defects in the Ordinance as written. Attorney Mike Millen pointed out to the judge that, before reaching that conclusion, he had to consider not just the words of the law but also the City's official interpretation of those words. Our evidence had shown that the City's official interpretation was that the Ordinance did not treat pro-life and pro-abortion speakers the same. Instead, the City interpreted the Ordinance to allow pro-abortion escorts to approach patients and tell them, e.g., not to listen to Walter Hoyer, and not to take his proffered literature, and that it their right to have an abortion, while prohibiting Walter Hoyer from approaching patients to ask if he could speak with them about alternatives to the clinic. Judge Breyer admitted that he had not looked at the issue in that light before and would have to look at it again.

Judge Breyer then asked, in light of our "as applied" challenge, if we had any evidence that escorts were actually engaging in this sort of "advocacy" speech. Attorney Katie Short pointed to testimony from the escort coordinator Barbara Hoke in which she clearly stated that she instructs escorts to tell women that the literature is "inaccurate," "invasive of their privacy," etc. Apparently troubled (and somewhat surprised) by this, he asked the attorney for the City to explain the City's position. The attorney attempted to justify allowing the escorts greater leeway in what they said in order to make women feel "safe" entering the clinic, but the judge did not appear to agree with the City's reasoning.

The discussion then shifted to the impact of the speech restrictions on Walter Hoyer. The judge initially indicated that he couldn't see how a mere 8-foot separation would prevent communication. But Mr. Millen emphasized -- indeed, demonstrated -- the actions of the pro-abortion escorts in deliberately thwarting Walter Hoyer's attempts to communicate with patients. These actions were fully documented not just in sworn testimony from the escorts themselves but also in the videotapes that Walter Hoyer's attorneys submitted as evidence. Unfortunately, the judge indicated he had not yet watched these videos. Again, the court asked for a response from the City. The City claimed that, in spite of the interference, Walter Hoyer was still able to make contact with women entering the clinic.

The hour-long hearing concluded with the court taking the matter under submission. We expect a written ruling from the court within the next few weeks.



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